

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
NO. 4:17-CV-178-BR

AMERICAN SELECT INSURANCE)
COMPANY,)

Plaintiff,)

v.)

NATURAL BLEND VEGETABLE)
DEHYDRATION, LLC and THE)
HANOVER AMERICAN INSURANCE)
COMPANY,)

Defendants,)

NATURAL BLEND VEGETABLE)
DEHYDRATION, LLC,)

Cross-Claimant,)

v.)

THE HANOVER AMERICAN)
INSURANCE COMPANY,)

Cross-Defendant,)

and)

NATURAL BLEND VEGETABLE)
DEHYDRATION, LLC,)

Third-Party Plaintiff,)

v.)

INDUSTRIAL, SILOSOURCE, INC.;)
MOLE-MASTER SERVICES)
CORPORATION; MANRY-RAWLS)
CORPORATION; and SIA GROUP, INC.,)

Third-Party Defendants.)

CONSENT ORDER

Upon stipulation by and with the consent of Defendant and Third-Party Plaintiff, Natural Blend Vegetable Dehydration, LLC, [“Third-Party Plaintiff”] and Manry-Rawls, LLC, and without objection by any other party, the Court hereby finds and orders as follows:

FINDINGS BY STIPULATION

1. Manry-Rawls Corporation was a Virginia Corporation that was dissolved by vote of its shareholders in 2010, with Articles of Dissolution having been subsequently filed with the State Corporation Commission of the Commonwealth of Virginia. Manry-Rawls Corporation is named as a Third-Party defendant in the Answer Containing Counterclaims, Crossclaims and a Third-Party Complaint [“Third-Party Complaint”] filed by Third-Party Plaintiff.

2. Manry-Rawls, LLC is a Virginia limited liability company that operates an insurance agency in Franklin, Virginia and is the entity against whom Third-Party Plaintiff intended to assert its Third-Party claim.

3. Neither Manry-Rawls Corporation nor Manry-Rawls, LLC has received effective service of process in this matter; and Manry-Rawls, LLC was unaware of this proceeding until May 15, 2018. Among other issues relating to service, the former registered agent for Manry-Rawls Corporation, to whom Third-Party Plaintiff mailed the Summons and Third-Party Complaint reports that it has no record of receiving that mailing.

4. Manry-Rawls, LLC has consented to be substituted for Manry-Rawls Corporation as Third-Party Defendant in this action, upon entry of this Order and to accept service of process effective on the date that this Order is entered by the Court.

ORDER

Based on the foregoing Findings by Stipulation and with the consent of Third-Party Plaintiff and Manry-Rawls, LLC, it is hereby ordered as follows:

1. The caption of this action is hereby amended to substitute “Manry-Rawls, LLC” in place of “Manry-Rawls Corporation” where the latter appears in the caption.

2. All references to “Manry-Rawls Corporation” in the Third-Party Complaint are hereby deemed to be amended to refer to “Manry-Rawls, LLC”.

3. The Summons shall be deemed to have been issued and Manry-Rawls, LLC, as substitute Third-Party Defendant, shall be deemed to have been served with the Summons and Third-Party Complaint effective upon the entry and filing of this order, and shall have twenty-one (21) days from that date to answer or otherwise respond to the Third-Party Complaint.

4. Manry-Rawls Corporation is hereby dismissed from this action without prejudice.

5. This Order (and the consent and stipulation by Manry-Rawls, LLC) shall be without prejudice to any and all defenses of Manry-Rawls, LLC except defense for insufficiency of process and insufficiency of service of process.

Dated: May 30, 2018



Robert T. Numbers, II
United States Magistrate Judge

We Consent and So Stipulate:

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